

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

DORIS GREEN, and
CHRISTINIA CASERO,
Individually and on behalf of all other
similarly situated,

Plaintiffs,

v.

THE SHERATON, LLC, and
NFNY HOTEL MANAGEMENT LLC,

Defendants.



22-CV-46 (JLS) (JJM)

DECISION AND ORDER

On January 14, 2022, Plaintiffs Doris Green and Christina Casero commenced this purported class action under the Class Action Fairness Act, individually and on behalf of individuals who have worked for Defendants and were paid on an hourly basis. Dkt. 1. Plaintiffs allege that Defendants violated New York Labor Law § 195(1) and (3) by failing to provide their employees with accurate and timely itemized wage statements and notices. *Id.* On March 21, 2022, Defendants moved to dismiss the Complaint pursuant to Fed. R. Civ. P. 12(b)(1) and 28 U.S.C. § 1332(d)(4)(B). Dkts. 20; 21; 22; 23. On March 7, 2022, this Court referred the case to United States Magistrate Judge Jeremiah J. McCarthy for all proceedings under 28 U.S.C. § 636(b)(1)(A) and (B). Dkt. 11.

Presently before the Court is Judge McCarthy's Report and Recommendation ("R&R") (Dkt. 37 [sealed]; Dkt. 38 [redacted]), which recommends that Defendants'

motion should be granted. *See generally* Dkt. 37. Specifically, Judge McCarthy recommended dismissal of the complaint based on the Class Action Fairness Act's "home state" exception to jurisdiction. *Id.* No party filed objections to the R&R, and the time to do so has passed.

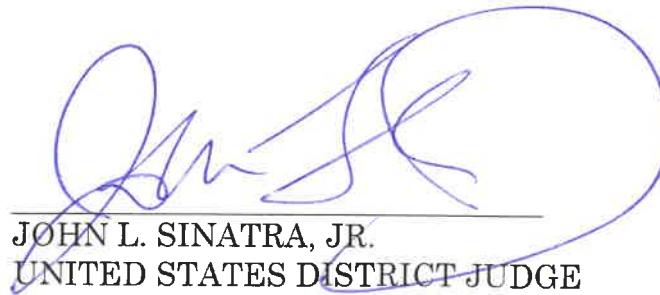
A district court may accept, reject, or modify the findings or recommendations of a magistrate judge. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3). A district court must conduct a *de novo* review of those portions of a magistrate judge's recommendation to which a party objects. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3). But neither 28 U.S.C. § 636 nor Federal Rule of Civil Procedure 72 requires a district court to review the recommendation of a magistrate judge to which no objections are raised. *See Thomas v. Arn*, 474 U.S. 140, 149-50 (1985).

Although not required to do so, this Court nevertheless has reviewed Judge McCarthy's R&R for error. Based on that review, and absent any objections, this Court accepts and adopts the R&R.

For the reasons stated above and in Judge McCarthy's R&R, Defendants' motion to dismiss (Dkt. 20) is GRANTED. The Clerk of Court shall close this case.

SO ORDERED.

Dated: September 1, 2022
Buffalo, New York



JOHN L. SINATRA, JR.
UNITED STATES DISTRICT JUDGE